

## **Administration to Reaffirm Commitment to No Net Loss of Wetlands and Address Approach for Protecting Isolated Waters in Light of Supreme Court Ruling on Jurisdictional Issues<sup>i</sup>**

The U.S. Environmental Protection Agency and the U.S. Army announced on January 10, 2003 a pair of actions that will help Americans comply with the Clean Water Act's requirements for protection of the nation's wetlands. These actions, which reaffirm federal authority over the vast majority of America's wetlands, are in response to the Supreme Court's 2001 decision in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)*, which limited federal authority under the Clean Water Act to regulate certain isolated wetlands.

These two steps complement the actions announced December 26, 2002, when the Corps and EPA issued a regulatory guidance letter to improve wetland protections through compensatory mitigation, and the Administration unveiled a National Wetlands Mitigation Action Plan listing 17 action items that federal agencies will undertake to improve the effectiveness of wetlands restoration. Through those actions, the agencies affirmed their commitment to achieving the goal of no net loss of wetlands under their regulatory programs and to increase the overall function and value of the nation's wetlands through public and private, regulatory and non-regulatory initiatives and partnerships. Representatives of EPA and the Corps testified before Congress on September 19, 2002, pledging the actions announced on January 10, 2003.

In addition to the Regulatory Guidance Letter/ National Wetlands Mitigation Action Plan (RGL/MAP), the Administration's commitment to protecting and restoring America's wetlands is reflected in the conservation title of the 2002 Farm Bill, which provides an unprecedented \$47 billion over the next decade—that includes funding for conservation programs that will double the number of wetlands protected to a total of 2.275 million acres of wetlands and other aquatic resources. And in December 2002, President Bush signed a bill reauthorizing the North American Wetlands Conservation Act, which extends for five years a program under which the federal government matches donations from sportsmen, state wildlife agencies, conservationists and landowners who pledge to protect millions of acres of wetlands.

The Federal Register document and additional information are available either on EPA's Office of Water home page at: <http://www.epa.gov/owow/wetlands/swanccnav.html> or the Corps Regulatory Branch home page at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/citizen.htm>.

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<sup>i</sup> [http://www.epa.gov/epahome/headline2\\_011003.htm](http://www.epa.gov/epahome/headline2_011003.htm)